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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/574,728

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David Kren

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Saul Ewing LLP (Philadelphia)

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EXAMINER

HOANG, PHUONG N

ART UNIT

PAPER NUMBER

2194

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/574,728	Applicant(s) KREN, DAVID	
	Examiner PHUONG N. HOANG	Art Unit 2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 October 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/6/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1 – 35 are pending for examination.

Claim Objections

2. **Claims 2, 3, 6-10, and 18 – 35 are objected to because of the following informalities:**

3. Claim 2, line 3, is “a parser or generator” the same of “the one or more mark-up language parsers or generator” in claim 1 or not ? For the following rejection, it is treated as referring to “parser or generators” in claim 1.

4. Claim 3, line 2, “the client” does not have proper antecedent basis.

5. Claim 6, line 2, is “a parser or generator” the same of “the one or more mark-up language parsers or generator” in claim 1 or not? For the following rejection, it is treated as referring to “parser or generators” in claim 1.

6. Claim 18, line 3, “different plug-ins” should be “different parser plug-ins”.

7. Claim 19, line 3, “different plug-ins” should be “different generator plug-ins”.

8. Claim 21, line 3, is “a parser or generator” the same of “the one or more mark-up language parsers or generator” in claim 18? For the following rejection, it is treated as referring to “parser or generators” in claim 18.

Appropriate correction is required. Applicant is advised to review entire claims for further needed correction.

Double Patenting

9. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

10. Claim 1 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 5 and 13 of copending Application No. 10/574,727. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 5 and 13 of copending Application No. 10/574,727 covers the claim 1 as shown in the table below. .

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim 1 of current application	Claims 5 and 13 of 10/574,727
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<p><u>1. A computing device programmed with</u></p> <p><u>an extensible framework that accepts one or more mark-up language parsers and/or generators, each implemented as plug-ins to the framework, with different plug-ins enabling different kinds of mark up languages to be handled by the device.</u></p>	<p>Set of claim 5</p> <p>1. <u>A computing device programmed with a client that can operate with a parser or generator for both text and binary mark up languages; in which the client uses a unique integer value that can be interpreted in an index of elements, attributes and attribute values needed to describe a particular type of mark-up document, the index mapping that unique integer value (a) to a token associated with predefined element, attribute or attribute value to enable a token based mark up language to be handled and also (b) to a string associated with a predefined element, attribute or attribute value to enable to enable a string based mark up language to be handled.</u></p> <p>5. The device of claim 1 in which there is <u>an extensible framework that accepts one or more mark-up language parsers and/or generators, each implemented as plug-ins to the framework, with different plug-ins enabling different kinds of mark up languages to be handled by the device.</u></p>
<p>1. A computing device programmed with</p>	<p>Set of claim 13</p> <p>9. A method of generating a mark-up language document,</p>

<p>comprising the step of a client using a unique integer value that is interpreted in an index of elements, attributes and attribute values needed to describe a particular type of mark-up document, the index mapping that unique integer value (a) to a token associated with predefined element, attribute or attribute value to enable a token based mark up language to be handled and also (b) to a string associated with a predefined element, attribute or attribute value to enable to enable a string based mark up language to be handled.</p>	
<p><u>an extensible framework that accepts one or more mark-up language parsers and/or generators, each implemented as plug-ins to the framework, with different plug-ins enabling different kinds of mark up languages to be handled by the device.</u></p>	<p>13. The method of preceeding claim 8 in which there is <u>an extensible framework that accepts one or more mark-up language parsers and/or generators, each implemented as plug-ins to the framework, with different plug-ins enabling different kinds of mark up languages to be handled by the device.</u></p>

Claim Rejections - 35 USC § 101

11. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

12. Claims 18 - 35 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

13. Claim 18 is a method claim. The method or process must (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. If neither of these requirements is met by the claim, the method is not a patent eligible process under § 101 and should be rejected as being directed to non-statutory subject matter. See MPEP § 2106.IV.B.

14. Claims 20 - 35 are dependent claims of claim 18. They do not remedy the deficiency of claim 18. They are rejected for the same reason above.

15. Claim 19 is a method claim. See rejection for claim 18 above.

Claim Rejections - 35 USC § 102

16. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

17. Claims 1 – 8, 10, 18 – 19, 21 - 27, and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Langer, (WO 03/014971).

18. Langer reference was IDS filed by applicant on 4/6/06.

19. **As to claim 1**, Langer teaches a computing device programmed with an extensible framework (...“extensible plug-ins framework”..., page 4 lines 6 – 10) that accepts one or more mark-up language parsers and/or generators (...“parsers”..., page 4 lines 6 – 10) each implemented as plug-ins to the framework (...“plug-ins cover different parsers”..., page 4 lines 6 – 10) with different plug-ins enabling different kinds of mark up languages (...“different query languages (e.g. Object oriented XML query languages”..., page 4 lines 10 – 11) to be handled by the device.

20. **As to claim 2**, Langer teaches the extensible framework (i) insulates a client running on the device from having to communicate directly with a parser or generator (clients just interact with the extensible framework, page 5 lines 1 – 10) and (ii) is generic in that it presents a common API to the client irrespective of the specific kind of parser or generator deployed (...“cover different parsers”..., page 4 lines 6 – 10).

21. **As to claim 3**, Langer the client interacts with several kinds of parser or generator plug-ins to the extensible framework, each handling different mark-up language formats (...“cover different parsers”..., page 4 lines 6 – 10).

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22. **As to claim 4**, Langer teaches programmed with a file conversion (...”translation engine”..., page 3 lines 30 – 34) capability requiring (i) a source file to be parsed by the parser (...”parser”..., page 4 lines 6 – 10), which is adapted to handle one format and (ii) an output, converted file to be generated by the generator (...”generate”... , page 7 lines 15 – 18).

23. **As to claim 5**, Langer teaches several different clients are able to share the same parsers or generators (clients use same query xml language, page 4 lines 6 - 10).

24. **As to claim 6**, Langer teaches the extensible framework enables a parser or generator to access data from any source that conforms to a generic data supplier API (...”Java API for XML Processing (JAXP)”...., page 6 lines 25 – 29).

25. **As to claim 7**, Langer teaches the source is a buffer in memory (...”memory”..., page 7 lines 22 – 24).

26. **As to claim 8**, Langer teaches the source is a file (...”document”...., page 7 lines 12 – 15).

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27. **As to claim 10**, Langer teaches the computing device of which uses a data source different from any data sources which the device was capable of using when first operated by an end-user (... “support for several content languages”... page 7 lines 7 – 10).

28. **As to claim 18**, Langer teaches a method of parsing a mark-up language document, comprising the step of accessing an extensible framework (...“extensible plug-ins framework”...., page 4 lines 6 – 10) that accepts parser plug-ins (...“plug-ins cover different parsers”...., page 4 lines 6 – 10), with different plug-ins enabling different kinds of mark up languages to be handled languages (...“different query languages (e.g. Object oriented XML query languages)”...., page 4 lines 10 – 11).

29. **As to claim 19**, Langer teaches a method of generating a mark-up language document, comprising the step of accessing an extensible framework (...“extensible plug-ins framework”...., page 4 lines 6 – 10) that accepts generator plug-ins (...“plug-ins components to be readily added to the framework”..., page 4 lines 6 – 10), with different plug-ins enabling different kinds of mark up languages to be handled (...xml to be generated different query languages (e.g. Object oriented XML query languages)”...., page 4 lines 2 – 11).

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30. **As to claim 21 - 27**, see rejection for claims 2 - 8 above.

31. **As to claim 29**, see rejection for claim 10 above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

32. **Claims 11 - 13, 15 – 17, 20, 30 - 32, and 34 – 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Langer, “WO 03/014971 in view of Fry, US pub. no. 2003/0172348.**

33. **As to claim 11**, Langer does not but Fry teaches in which the extensible framework enables the mark-up language parser or generator to access components to validate (...“checking whether characters are valid”..., [0038]) pre-filter or alter data, in which the components are plug-in components to the framework and operate using a chain of responsibility design pattern (...“factory” is a concept of design pattern, [0034]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Langer and Fry because Fry's validation would make sure the xml data is valid and elements are well-formed based on the schema validation of the syntax ([0038]).

34. **As to claim 12**, Langer teaches which the plug-in components all present a common, generic API to the parser or generator, enabling the same plug-in components to be used with different types of parsers and generators (... "different parsers", and "XML to be generated", page 4 lines 1 – 10, page 32 lines 20 – 25).

35. **As to claim 13**, Langer teaches in which the plug-in components all present a common, generic API to a client component using the parser or generator, enabling the same plug-in components to be used by different clients (different clients using same query languages, page 4 lines 5 – 10).

36. **As to claim 15**, Langer does not but Fry teaches a parsed element stack is made available to all validation/pre-filter/altering plug-ins (... "checking whether characters are valid"..., [0038]). See motivation for claim 11 above.

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37. **As to claim 16**, Langer teaches which incorporates a character conversion module that enables documents written in different character sets to be parsed and converted to a common, generic character set (...”different query languages (e.g. Object oriented XML query languages”..., page 4 lines 10 – 11).

38. **As to claim 17**, Langer extensions to its capabilities can be made without affecting compatibility with existing clients or existing parsers and generators (...”different parsers”, and “XML to be generated”, page 4 lines 1 – 10, page 32 lines 20 – 25).

Langer does not but Fry teaches the use of an updated/extended namespace plug-in that sets-up all the elements, attributes and attribute values for a namespace (...” namespace”..., [0032, 0034]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Langer and Fry because Fry’s namespace would organize xml document for the web page.

39. **As to claim 20**, see rejection for claim 17 above.

40. **As to claims 30 - 32**, see rejection for claim 11 - 13 above.

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41. **As to claim 34 - 35**, see rejection for claim 15 – 16 above.

42. **Claims 14 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Langer, “WO 03/014971 in view of Fry, US pub. no. 2003/0172348, and further in view of Davidov, US pub. no. 2003/0237050.**

43. **As to claim 14**, Langer and Fry do not but Davidov teaches the parser notifies a validator plug-in of elements it is parsing and these in turn go to an auto correction plug-in to be fixed if required and finally a client receives these events
(...”MPRParseException() 298 is thrown whenever an error occurs while parsing the MIDML project file”..., [0257]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Langer, Fry, and Davidov because Davidov’s exception would fix error while parsing so the file can continue to run completely the give the result.

44. **As to claim 33**, see rejection for claim 14 above.

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45. Claims 9 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Langer, "WO 03/014971 in view of Cable, US patent no. 6,813,637.

46. As to claims 9 and 28, Langer does not but Cable teaches the source is a socket outputting streaming data (... "Secure Sockets Layer (SSL).... Streaming HTTP output"..., col. 2 lines 6 – 25).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Langer and Fry because streaming output data would provide result involving queries and displaying to user (Cable; col. 2 lines 22 – 27).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUONG N. HOANG whose telephone number is (571)272-3763. The examiner can normally be reached on Monday - Friday 9:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyunh S. Sough can be reached on 571-272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hyung S. Sough/
Supervisory Patent Examiner, Art Unit 2194
02/25/10

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